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| 09/153,369      | 09/15/1998  | JAMES P. KETRENOS    | INTL-0075-US        | 5432             |

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/153,369

Applicant(s)

KETRENOS, JAMES P.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/25/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s) to Reinhardt and Hullinger. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 8, 9, 12-14, 18, 20, 26, 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,867,682 to Reinhardt and U.S. Patent 6,295,092 to Hullinger.

Regarding claims 1, 9, 13, 26, 30-32 Semenzato discloses a method for accessing a video stream comprising:

When a first application (plugin) requests video, initializing the video stream from a video server (column 7, lines 36-43),

Providing the video stream for the first application ((column 7, lines 36-43, column 9, lines 7-21),

Monitoring to detect if the first application crashes while receiving the video stream (status messages between the first and second applications, column 7, lines 20-23, column 8, lines 3-43),

If the first application crashes maintaining access to the video stream for a second application (web browser) through the video server (column 8, lines 17-21, column 9, lines 12-20, column 10, lines 5-18, plugin body 114B saves in persistent memory and data in which plugin body 114B may invoke in subsequent invocations).

Semenzato fails to disclose shutting down a television capture card when a crash is detected.

Hullinger discloses a personal computer which includes a TV tuner and video capture card which compress broadcast video into MPEG 1 video streams (column 3, lines 5-46) this data is then transmitted to a server 20 along with Nielsen ratings (column 3, lines 46-column 4, line 2) so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing (abstract, figures 11-12).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to include a video capture board in a user's PC as taught by Hullinger, so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing.

The combination of Semenzato and Hullinger fails to disclose shutting down a computer peripheral when a crash is detected.

Reinhardt discloses a computer system in which a PC 18 has a number of peripheral devices (cooling fans) attached to it (column 5, lines 21-30, 65-column 6, line 4), when the computer detects an error state due to high temperature (crash), the computer shuts off power to the respective device to prevent further damage to the device (column 6, line 41- column 7, line 8).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato and Hullinger to shut down a computer peripheral device in response to detecting a crash as taught by Reinhardt, thus preventing further damage to the device.

Regarding claims 2 and 14, Semenzato discloses detecting when the first application fails (column 7, line 35-column 8).

Regarding claims 6 and 18, Semenzato discloses that the plugins are run as separate processes and are stored in different memory spaces (Figures 2C and 3, column 6, lines 43-64).

Regarding claim 8, Semenzato discloses that the plug in applications are responsible for accessing the video server (column 7, line 35-column 8, line 43, column 9, lines 4-45). The video servers disclosed in Semenzato inherently contains software for accessing the video stack, as without such software, no data could be transferred between the server and a client application.

Regarding claim 12, Semenzato discloses a method for accessing a video stream comprising:

When a first application (plugin window) requests video, initializing the video stream from a video server (column 7, lines 36-43),

Providing the video stream for the first application ((column 7, lines 36-43, column 9, lines 7-21),

Monitoring to detect if the first application crashes while receiving the video stream (status messages between the first and second applications, column 7, lines 20-23, column 8, lines 3-43),

If the first application crashes maintaining access to the video stream for a second application (web browser window) through the video server (column 8, lines 17-21, column 9, lines 12-20, column 10, lines 5-18, plugin body 114B saves in persistent memory and data in which plugin body 114B may invoke in subsequent invocations)

Operate a first window in the application for accessing the television server and a second window in the server for accessing a video stack (When a video window process is deleted, access to the motion video stream is maintained for a new window column 9, lines 12-20, column 10, lines 5-18).

Semenzato fails to disclose shutting down a television capture card when a crash is detected.

Hullinger discloses a personal computer which includes a TV tuner and video capture card which compress broadcast video into MPEG 1 video streams (column 3,

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lines 5-46) this data is then transmitted to a server 20 along with Nielsen ratings (column 3, lines 46-column 4, line 2) so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing (abstract, figures 11-12).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to include a video capture board in a user's PC as taught by Hullinger, so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing.

The combination of Semenzato and Hullinger fails to disclose shutting down a computer peripheral when a crash is detected.

Reinhardt discloses a computer system in which a PC 18 has a number of peripheral devices (cooling fans) attached to it (column 5, lines 21-30, 65-column 6, line 4), when the computer detects an error state due to high temperature (crash), the computer shuts off power to the respective device to prevent further damage to the device (column 6, line 41- column 7, line 8).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato and Hullinger to shut down a computer peripheral device in response to detecting a crash as taught by Reinhardt, thus preventing further damage to the device.

3. Claims 3, 10, and 15, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,867,682 to Reinhardt

and U.S. Patent 6,295,092 to Hullinger in further view of U.S. Patent 5,440,726 to Fuchs.

Regarding claims 3, 10, and 15, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).

The combination of Semenzato, Reinhardt and Hullinger does not disclose the monitoring of an exception handler to detect a crash.

Fuchs discloses a system which monitors errors in an application via watchdog, it then rolls back to various checkpoints in the processes and reconstructs the data from where the exception occurred in order to restore the original state of the application (column 7, line 40-column 8, line 16, column 9, lines 11 -36).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato, Reinhardt and Hullinger to monitor an exception handler as taught by Fuchs in order to allow rapid recovery of a crashed application so that the crash and restoration of an application would be transparent to the user.



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4. Claims 28, 29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,404,975-B1 to Bopardikar.

Regarding claims 28-29 and 35, Semenzato discloses a method for accessing a video stream comprising:

In response to a first application (plugin) which requests video, initializing the video stream from a video server (column 7, lines 36-43),

If the first application crashes maintaining access to the video stream for a second application (web browser) through the video server (column 8, lines 17-21, column 9, lines 12-20, column 10, lines 5-18, plugin body 114B saves in persistent memory and data in which plugin body 114B may invoke in subsequent invocations).

Semenzato fails to disclose directing the server to release the video stack.

Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to shut down the video stack in response to a crash as taught by Bopardikar in order to prevent the corruption of the video data.

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5. Claims 7, 11, 19 21, 23-25, 27, 33 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,867,682 to Reinhardt and U.S. Patent 6,295,092 to Hullinger in further view of U.S. Patent 6,404,975-B1 to Bopardikar.

Regarding claims 7, 11, 19, 20, 27, 33 and 36-37, Semenzato discloses detecting when a crash occurs.

The combination of Semenzato, Reinhardt and Hullinger does not disclose shutting down a video stack when a crash is detected.

Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato, Reinhardt to shut down the video stack in response to a crash as taught by Bopardikar in order to prevent the corruption of the video data.

Regarding claim 21 and 23-24 Semenzato discloses a method for accessing a video stream comprising:

When a first application (plugin) requests video, initializing the video stream from a video server (column 7, lines 36-43),

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Providing the video stream for the first application ((column 7, lines 36-43, column 9, lines 7-21),

Monitoring to detect if the first application crashes while receiving the video stream (status messages between the first and second applications, column 7, lines 20-23, column 8, lines 3-43),

If the first application crashes maintaining access to the video stream for a second application (web browser) through the video server (column 8, lines 17-21, column 9, lines 12-20, column 10, lines 5-18, plugin body 114B saves in persistent memory and data in which plugin body 114B may invoke in subsequent invocations).

Semenzato fails to disclose shutting down a television capture card when a crash is detected.

Hullinger discloses a personal computer which includes a TV tuner and video capture card which compress broadcast video into MPEG 1 video streams (column 3, lines 5-46) this data is then transmitted to a server 20 along with Nielsen ratings (column 3, lines 46-column 4, line 2) so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing (abstract, figures 11-12).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to include a video capture board in a user's PC as taught by Hullinger, so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing.

The combination of Semenzato and Hullinger fails to disclose shutting down a computer peripheral when a crash is detected.

Reinhardt discloses a computer system in which a PC 18 has a number of peripheral devices (cooling fans) attached to it (column 5, lines 21-30, 65-column 6, line 4), when the computer detects an error state due to high temperature (crash), the computer shuts off power to the respective device to prevent further damage to the device (column 6, line 41- column 7, line 8).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato and Hullinger to shut down a computer peripheral device in response to detecting a crash as taught by Reinhardt, thus preventing further damage to the device.

The combination of Semenzato, Reinhardt and Hullinger does not disclose shutting down a video stack when a crash is detected.

Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato, Reinhardt to shut down the video stack in response to a crash as taught by Bopardikar in order to prevent the corruption of the video data.

Regarding claim 25, Semenzato discloses a computer system (figure 1) comprising:

A processor 102,

Memory 104 coupled to said processor storing programs which cause a computer to:

Connect an application (plugin) which requests video using a window (column 7, lines 36-43, column 9, lines 7-21) that operates in a separate address space from the application (browser, Figures 2C and 3, column 6, lines 43-64),

Monitoring to detect if the first application crashes while receiving the video stream (status messages between the first and second applications, column 7, lines 20-23, column 8, lines 3-43),

If the first application crashes maintaining access to the video stream for a second application (web browser) through the video server (column 8, lines 17-21, column 9, lines 12-20, column 10, lines 5-18, plugin body 114B saves in persistent memory and data in which plugin body 114B may invoke in subsequent invocations).

Semenzato fails to disclose shutting down a television capture card when a crash is detected, shutting down a video stack, and the use of a TV tuner card coupled to a processor.

Hullinger discloses a personal computer which includes a TV tuner and video capture card which compress broadcast video into MPEG 1 video streams (column 3, lines 5-46) this data is then transmitted to a server 20 along with Nielsen ratings (column 3, lines 46-column 4, line 2) so that a user may access the competitiveness of

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different broadcasters in the area and review the programs at time of the users own choosing (abstract, figures 11-12).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to include a video capture board in a user's PC as taught by Hullinger, so that a user may access the competitiveness of different broadcasters in the area and review the programs at time of the users own choosing.

The combination of Semenzato and Hullinger fails to disclose shutting down a computer peripheral when a crash is detected and shutting down a video stack.

Reinhardt discloses a computer system in which a PC 18 has a number of peripheral devices (cooling fans) attached to it (column 5, lines 21-30; 65-column 6, line 4), when the computer detects an error state due to high temperature (crash), the computer shuts off power to the respective device to prevent further damage to the device (column 6, line 41- column 7, line 8).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato and Hullinger to shut down a computer peripheral device in response to detecting a crash as taught by Reinhardt, thus preventing further damage to the device.

The combination of Semenzato, Reinhardt and Hullinger does not disclose shutting down a video stack when a crash is detected.

Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in

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order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato, Reinhardt to shut down the video stack in response to a crash as taught by Bopardikar in order to prevent the corruption of the video data.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,867,682 to Reinhardt and U.S. Patent 6,295,092 to Hullinger in further view of U.S. Patent 6,404,975-B1 to Bopardikar in further view of U.S. Patent 5,440,726 to Fuchs.

Regarding claims 3, 10, 15, 22 Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).

The combination of Semenzato, Reinhardt, Hullinger and Bopardikar does not disclose the monitoring of an exception handler to detect a crash.

Fuchs discloses a system which monitors errors in an application via watchdog, it then rolls back to various checkpoints in the processes and reconstructs the data from

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where the exception occurred in order to restore the original state of the application (column 7, line 40-column 8, line 16, column 9, lines 11 -36).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Semenzato, Reinhardt and Hullinger to monitor an exception handler as taught by Fuchs in order to allow rapid recovery of a crashed application so that the crash and restoration of an application would be transparent to the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

A handwritten signature in black ink, appearing to read "Chris Grant", is positioned above the printed name and title.

CHRIS GRANT  
PRIMARY EXAMINER